

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Commission on Proprietary Education
(Amendment)

791 KAR 1:040. Commercial driver license training school curriculum and refresher course.

RELATES TO: KRS 165A.330(1), 165A.370, 165A.460(1)

STATUTORY AUTHORITY: KRS 165A.340(3), 332.095(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 165A.460(1) requires that the Kentucky Commission on Proprietary Education establish a curriculum for commercial driver license training schools in consultation with the Kentucky State Police and the Kentucky Community and Technical College System. This administrative regulation establishes the curriculum regarding standards for commercial driver license training schools.

Section 1. A commercial driver license training school shall adhere to the curriculum contained in the General Curriculum Standards for Kentucky Licensed Commercial Driving Schools.

Section 2. A commercial driver license training school may offer a refresher course per KRS 332.095, for persons with a valid Class A commercial driver's license and shall maintain records of all persons taking the refresher course. The commercial driver license training school shall assess the person's qualifications and skill level to determine the appropriate course of study as contained in the General Curriculum Standards for Kentucky Licensed Commercial Driving Schools.

Section 3. A commercial driver license training school shall comply with drug testing of students in accordance with the United States Department of Transportation, Federal Motor Carrier Safety Administration Rule 49 C.F.R. 382.

Section 4. Incorporation by Reference. (1) "General Curriculum Standards for Kentucky Licensed Commercial Driving Schools", June 2014 [2010] edition["~~is incorporated by reference~~"].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Commission on Proprietary Education, 500 Mero Street[~~300 Sewer Boulevard~~], Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

MISTY N. EDWARDS, Executive Director

For DAVID W. FLOYD, Chair

APPROVED BY AGENCY: August 4, 2021

FILED WITH LRC: August 4, 2021 at 11:10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on October 25, 2021, at 1:00 p.m. Eastern Time, at the Mayo-Underwood Building Hearing Room, 500 Mero Street, 1st Floor, Frankfort, KY. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request

for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on October 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Misty Edwards, Executive Director, Kentucky Commission on Proprietary Education, 500 Mero Street, 4th Floor, Frankfort, Kentucky 40601-1957, phone 502-564-4185, email kcpe@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Misty Edward

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation (791 KAR 1:040) establishes the curriculum standards for commercial driver license training schools.

(b) The necessity of this administrative regulation: This administrative regulation (791 KAR 1:040) establishes curriculum standards for commercial driver license training schools.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The statute requires the commission to promulgate regulations relating to a curriculum for the commercial driver license training schools.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation addresses commercial driver license training school curriculum and a refresher course.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of: This amendment inserts KRS 332.095 for reference as it relates to refresher course.

(a) How the amendment will change this existing administrative regulation: The amended regulation simply refers the stakeholder to the specific statute, KRS 332.095, where refresher course is addressed.

(b) The necessity of the amendment to this administrative regulation: The amendment simply inserts KRS 332.095 for reference as it relates to refresher course.

(c) How the amendment conforms to the content of the authorizing statutes: The statute requires the commission to promulgate regulations relating to commercial driver licensing training school curriculum and refresher course.

(d) How the amendment will assist in the effective administration of the statutes: The amendment simply refers the stakeholder to the specific statute, KRS 332.095, where refresher course is addressed.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky Commission on Proprietary Education, the 16 commercial driver license training schools, and any proprietary school requiring licensure pursuant to KRS 165A.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No action is required. This is simply for clarification purposes.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: No cost will be incurred as a result of this clarification.

(c) As a result of compliance, what benefits will accrue to the entities: This amendment is simply for clarification purposes.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no costs to the commission associated with the implementation of this amendment.

(b) On a continuing basis: There will be no costs to the commission associated with the implementation of this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The commission is funded entirely through fees paid by licensed schools.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The amendment to this administrative regulation will not require an increase in fees.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: The amendment to this administrative regulation will not require an increase in fees.

(9) TIERING: Is tiering applied? Tiering is not applied because there is no change to the fee or application structure.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Commission on Proprietary Education and proprietary schools.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 165A.340(3), 332.095(3).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amended administrative regulation will not generate any new revenue for the commission.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amended administrative regulation will not generate any new revenue for the commission.

(c) How much will it cost to administer this program for the first year? There will not be a cost increase associated with the amendments to this administrative regulation.

(d) How much will it cost to administer this program for subsequent years? Future costs will remain unchanged related to this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): There is no known effect on current revenues.

Expenditures (+/-): There is no known effect on current expenditures.

Other Explanation: There is no fiscal impact associated with this amendment.